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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,125	03/01/2002	Yasuhiko Kosugi	Q68763	9677

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Sughrue Mion
2100 Pennsylvania Avenue NW
Washington, DC 20037-3202

EXAMINER

NGUYEN, LAM S

ART UNIT	PAPER NUMBER
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2853

DATE MAILED: 10/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/070,125

Applicant(s)

KOSUGI, YASUHIKO

Examiner

LAM S NGUYEN

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-6, 11-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Walker (US 6302527).

Walker disclose an ink jet recording apparatus comprising:

a recording head that jets ink drops to record (FIG. 1),

a carriage adapted to be loaded with a detachable ink container, said detachable ink container storing ink to be fed to said recording head when said detachable ink container is loaded in said carriage (FIG. 1, elements 14, 18), and

a communication unit (FIG. 8, elements 64, 70) that communicates with a storage element (FIG. 8, element 68) provided with said ink container (FIG. 8, element 14), said communication unit being able to communicate with said storage element provided with said ink container when said ink container is not loaded on said carriage (column 3, line 44-49: a separate ink reservoir is mounted off the carriage) and upon said store element for said ink container being brought close to said communication unit (column 1, line 65 to column 2, line 7: In a wireless link system, a receiver has to be located in an area in that signals broadcasted by a transmitter are effective).

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Referring to claims 2, 11: wherein said communication unit can communicate with said storage element for said ink container also when said ink container is loaded on said carriage (column 3, line 44-49: a separate ink reservoir is mounted on the carriage).

Referring to claims 3, 12: wherein said communication unit communicates with said storage element for the ink container in a non-contact state (column 1, line 61 to column 2, line 7: wireless link).

Referring to claims 4, 13: wherein said communication unit includes an antenna (column 7, line 18-21 and column 6, line 50-53: the linking device includes an antenna).

Referring to claims 5, 14: wherein power is supplied to said storage element for said ink container in a non-contact state (column 7, line 39 to column 8, line 6).

Referring to claims 6, 15: wherein information within said storage element for said ink container can be rewritten and stored in said storage element at least via said communication unit (column 7, line 27-38).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 7-10 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (US 6302527) in view of Siwinski et al. (US 2002/0015066 A1).

Walker discloses the claimed invention as discussed above except the comprising of a storage element for said recording head installed in said recording head for storing information

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concerning said recording head, wherein said communication unit communicates also with said storage element for said recording head in a non-contact state (**Referring to claims 7-8, 16-17**) and a storage element for a recording medium installed in a package of storage medium to be recorded by said ink recoding, wherein said communication unit communicates also with said storage element for said recording medium in a non-contact state (**Referring to claims 9-10, 18-19**).

Siwinski et al. disclose a printer comprising a storage element (FIG. 2, element 54f) for a recording head (FIG. 2, element 22) installed in said recording head for storing information concerning said recording head, wherein said communication unit communicates also with said storage element for said recording head in a non-contact state (Abstract: RF frequency electromagnetic field is used for communication) (**Referring to claims 7-8, 16-17**) and a storage element (FIG. 2, element 54h) for a recording medium (FIG. 2, element 24) installed in a package of storage medium to be recorded by said ink recoding, wherein said communication unit communicates also with said storage element for said recording medium in a non-contact state (Abstract: RF frequency electromagnetic field is used for communication) (**Referring to claims 9-10, 18-19**).

Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to modify the printing system disclosed by Walker such that the printing system including storage elements for the recording head and the recording medium wherein the storage elements communicates to the communication unit in a non-contact state as disclosed by Siwinski et al. The motivation of doing so is to provide a printer and method therefor adapted to

sense data uniquely associated with a consumable loaded into the printer as taught by Siwinski et al. (paragraph [0013]).

Response to Arguments

Applicant's arguments filed 02/06/2003 have been fully considered but they are not persuasive.

Regarding to argument on page 6, second paragraph: The applicants argued that Walker fails to suggest or teach a communication unit enabled to communicate with an ink container storage element when the ink container is not loaded on the carriage and upon the storage element being brought close to the communication unit. However, as discussed above, Walker discloses the above limitation. Therefore, the argument is not persuasive.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAM S NGUYEN whose telephone number is (703)305-3342.

The examiner can normally be reached on 7:00AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, STEPHEN D. MEIER can be reached on (703)308-4896. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9306 for regular communications and (703)305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

LN
September 22, 2003


Stephen D. Meier
Primary Examiner